IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 2433	**Customer No. 035811**
Examiner	: Michael D. Anderson	
Serial No.	: 10/501,858	Docket No.: LMC-04-1175
Filed	: October 25, 2004	
Inventor	: Daniel Lecomte	Confirmation No.: 6398
Title	: DEVICE FOR SECURE	
	: TRANSMISSION RECORDING	
	: AND VISUALIZATION OF	
	: AUDIOVISUAL PROGRAMS	
		Dated: October 6, 2011

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Applicant respectfully requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons described below.

Remarks

The final rejection of July 12, 2011 rejects Claims 69-78 under 35 USC §103(a) as being unpatentable over Ando in view of Tahara; Claim 79 under 35 USC §103(a) as being unpatentable over Ando in view of Tahara in further view of Tinker; and Claims 80-81 under 35 USC §103(a) as being unpatentable over Wu in view of Tahara.

With respect to independent Claim 69, the Applicant respectfully submits that the combination of Ando and Tahara fails to teach or suggest the features recited in Claim 69.

Ando is directed to a compression algorithm for frames of moving images. With reference to FIG. 3 of Ando, Ando describes that a series of frames of moving images are transmitted to a prediction error accumulating device 22 and a delay device 23. Ando states that "in the prediction error accumulating device 22, prediction errors of the frames are calculated

one after another, and absolute values of the prediction errors are calculated." (*See* column 9, lines 39-46 of Ando.) The delay device 23 is "for delaying frames input to the apparatus 21 until the prediction errors of the group of frames are accumulated in the prediction error accumulating device 22." (*See* column 9, lines 13-16 of Ando.)

Tahara is directed to splicing video streams for digital broadcasting. Splicing refers to "the technique of connecting two different coded bit streams so as to generate connected bit streams," i.e., editing and connecting coded streams. (*See* column 3, lines 28-34 of Tahara.) Tahara's system aims to edit coded streams received at a local station by a key station by replacing part of the coded stream with a coded stream portion created or stored at the local station, i.e., connecting two different coded bit streams. Tahara's digital broadcasting system includes a key station 30 and a local station 40. At the key station 30, video and audio data for commercials and main portions are connected, coded, and multiplexed to output one multiplexed transport stream. (*See* Fig. 7 and column 9, lines 24-65 of Tahara.) At the local station 40, the multiplexed transport stream is demultiplexed, converted into elementary streams, coded, recorded, and spliced with streams produced at the local station 40. (*See* Fig. 7 and column 10, line 9-column 11, line 21 of Tahara.)

To combine of Ando and Tahara, one must rely on the assumption that Ando discloses the first modified stream and the second stream as recited in Claim 69. While the Applicant respectfully submits that Ando does not disclose such a first modified stream and a second stream, the assumption will be applied for the purpose of analyzing the combination of Ando and Tahara. With the combination of Ando and Tahara, an accumulated value Acc (from the prediction error accumulating device 22) and a delayed group of frames (from the delay device 23) are provided as disclosed by Ando. (*See* FIG. 3 and column 9, lines 7-16 of Ando.)

According to Tahara's implementation, the two streams (the accumulated value Acc and the delayed group of frames) are multiplexed to form one multiplexed transport stream at the key station 30; and after modulation of the transport stream, the modulated data is sent to the local station 40. (*See* FIG. 7 and column 9, line 63 – column 10, line 6 of Tahara.) At the local station 40, the modulated data is demodulated, demultiplexed and converted into the two streams (the accumulated value Acc and the delayed group of frames). (*See* column 10, lines 36-42 of Tahara.) The two streams are then spliced at the stream splicer 50 with data from the material server 46 and the CM server 47, which includes video/audio data for local television programs and video/audio data for local commercials, respectively; the spliced streams are eventually multiplexed and modulated to be presented for local television. (*See* column 10, lines 49-54 and column 11, lines 14-34 of Tahara.)

Thus, the combination of Ando and Tahara provides for the two streams (the accumulated value Acc and the delayed group of frames) to be sent to the local station 40 as a multiplexed transport stream, then separated and spliced with video/audio data for local programming.

This combination is in sharp contrast to Claim 69. First, according to Claim 69, the two streams are separately transmitted to the destination device. In Tahara, the streams are transported together as a multiplexed transport stream. Further, according to Claim 69, the two streams are synthesized to reconstruct the original coded stream. While Tahara does disclose multiplexing and splicing streams, the operations provided by Tahara's system do not reconstruct an original coded stream but instead splice (i.e., connect) local television programming data into television programming data provided from the key station 30, thereby creating a completely new data stream not an original stream.

Moreover, as indicated above, the two streams disclosed by Ando (the accumulated value Acc and the delayed group of frames) are not equivalent to the first modified stream and the second stream of Claim 69. The accumulated value Acc represents the accumulated prediction errors of a group of frames, and the delayed group of frames represents the group of frames with a delay while the prediction errors are accumulated. (*See* column 9, lines 7-16 of Ando.) The accumulated value Acc is used to determine how to modify the group of frames stored in the moving image memory 24 (i.e., the delayed group of frames). For example, if the accumulated value Acc is large, some frames may be removed and replaced with preceding frames through operation of devices 25 and 26, or the order of the frames may be adjusted by device 28. (*See* column 9, line 56 – column 10, line 5, and column 10, lines 11-19 of Ando.) Therefore, while the delayed group of frames is adjusted, it is not done so by a randomly generated image or by swapping images, as recited in Claim 69. Moreover, Ando does not generate two streams, as recited in Claim 69, but instead generates one stream, the processed, delayed group of frames that is outputted from the buffer memory 40 as shown in FIG. 3. Additionally, the accumulated value Acc is not equivalent to the second stream that allows for reconstruction of the first modified stream. Instead of being a stream allowing for such reconstruction, it is just a value that is used to indicate certain modifications to be applied to the delayed group of frames. If the accumulated value Acc is combined with the delayed group of frames, the original coded stream is not reconstructed as the accumulated value Acc does not provide information on the frames that were removed or adjusted; this information is not stored anywhere and does not allow for reconstruction of the original coded stream.

Independent Claim 78 recites, similar to Claim 69, the creation of a first modified stream and a second stream from an original coded stream, as well as the separate transmission of the streams.

With respect to independent Claim 80, the rejection relies on the combination of Wu and Tahara in the rejection. However, the combination of Wu and Tahara does not disclose the first modified stream and the second stream as recited in Claim 80.

Wu discloses a general description of the MPEG format with the I and P frame. Wu does not teach or suggest the step of forming a second stream that is distinct from the first stream, which is recited in Claim 80. The Applicant respectfully submits that the rejection's characterization of Wu's teaching of the I frame and the P frame as equivalent to the two streams recited in the rejected Claim 80 is in error. In sharp contrast to teaching the I and P frame as each representing separate streams, Wu teaches that the I and P frame are part of a GOP in a single stream. For example, Wu states that "Each Group of Pictures contains one I-frame, multiple P-frames and B-frames." (*See* column 4, lines 43-44; *see* also column 3, lines 18-30 of Wu (discussing a single MPEG data stream as including I frames, P-frames, and B-frames).) Because Wu teaches that the I-frame and P-frame are each part of a single GOP or single MPEG data stream, one skilled in the art would understand that Wu does not teach two separate streams.

Moreover, as described above with respect to Claim 69, Tahara does not disclose reconstructing the original coded stream from the first modified stream and the second stream.

The Applicant respectfully submits that the above differences set forth with respect to Ando, Tahara, and Wu are such that any combination of Ando, Tahara, and Wu fails to result in a method, system, and device that contains each and every claimed aspect of the subject matter recited in independent Claims 69, 78, and 80, respectively, and their respective dependent

Claims 70-77, 79, and 81. The Applicant respectfully submits that the pending claims are allowable over Ando, Tahara, and Wu.

In view of the foregoing, the Applicant submits that the entire Application is now in condition for allowance, which action is earnestly requested.

Respectfully submitted,

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